

JUSTICE

Budget Summary							
Fund	2014-15 Base Year Doubled	2015-17 Governor	2015-17 Jt. Finance	2015-17 Legislature	2015-17 Act 55	Act 55 Change Over Base Year Doubled	
						Amount	Percent
GPR	\$96,862,600	\$102,759,900	\$102,656,500	\$102,656,500	\$102,656,500	\$5,793,900	6.0%
FED	49,990,200	45,212,900	44,799,900	44,799,900	44,799,900	- 5,190,300	- 10.4
PR	100,629,000	103,117,200	105,127,700	105,127,700	105,027,700	4,398,700	4.4
SEG	<u>789,200</u>	<u>775,700</u>	<u>775,700</u>	<u>775,700</u>	<u>775,700</u>	<u>- 13,500</u>	- 1.7
TOTAL	\$248,271,000	\$251,865,700	\$253,359,800	\$253,359,800	\$253,259,800	\$4,988,800	2.0%

FTE Position Summary						
Fund	2014-15 Base	2016-17 Governor	2016-17 Jt. Finance	2016-17 Legislature	2016-17 Act 55	Act 55 Change Over 2014-15 Base
GPR	392.58	393.18	392.18	392.18	392.18	- 0.40
FED	42.33	37.18	34.18	34.18	34.18	- 8.15
PR	238.08	241.63	245.63	245.63	245.63	7.55
SEG	<u>2.75</u>	<u>2.75</u>	<u>2.75</u>	<u>2.75</u>	<u>2.75</u>	<u>0.00</u>
TOTAL	675.74	674.74	674.74	674.74	674.74	- 1.00

Budget Change Items

1. STANDARD BUDGET ADJUSTMENTS

Governor/Legislature: Provide adjustments to the base totaling \$3,069,500 GPR, \$42,500 PR, -\$6,349,700 FED, and -\$7,100 SEG in 2015-16, and \$3,153,600 GPR, \$179,800 PR, -\$6,335,600 FED, and -\$6,400 SEG in 2016-17. Adjustments are for: (a) turnover reduction (-\$602,800 GPR and -\$134,200 PR annually); (b) removal of non-continuing elements from the base (-\$147,000 PR annually); (c) full funding of continuing position salaries and fringe benefits (\$2,997,600 GPR, -\$282,300 PR, -\$67,100 FED, and -\$22,800 SEG annually); (d) reclassifications and semiautomatic pay progression (\$114,100 PR and \$17,300 FED in 2015-16, and \$192,900 PR and \$25,400 FED in 2016-17); (e) overtime (\$151,000 GPR, \$533,400 PR, and \$11,000 SEG annually); (f) night and weekend pay differential (\$9,600 GPR and \$2,200 PR annually); and (g) full funding of lease and directed moves costs (\$514,100 GPR, -\$43,000 PR, -\$6,299,900 FED,

GPR	\$6,223,100
PR	222,300
FED	- 12,685,300
SEG	<u>- 13,500</u>
Total	- \$6,253,400

and \$4,700 SEG in 2015-16, and \$598,200 GPR, \$15,500 PR, -\$6,293,900 FED, and \$5,400 SEG in 2016-17).

2. MINOR TRANSFERS WITHIN APPROPRIATIONS

Governor/Legislature: Provide the following transfers within appropriations:

a. Transfer \$794,400 PR annually within the interoperable communications system appropriation from funding for supplies and services to aid to individuals and organizations. The transfer would reflect monies that DOJ pays to the Department of Transportation to contribute to the operation of the Wisconsin Interoperable System of Communications (a public safety interoperable communication system that permits emergency responders statewide to communicate with each other).

b. Transfer \$91,000 FED annually within the legal services federal aid appropriation from funding for rent to supplies and services. The Department of Justice indicates that the base funding for rent within this appropriation (\$157,700) exceeds the needed amount.

c. Transfer \$18,700 FED annually within the administrative services indirect cost reimbursements appropriation from funding for rent to supplies and services. Base funding for rent within this appropriation is \$18,700.

3. POSITION TRANSFERS FOR THE TAD PROGRAM

Governor/Legislature: Transfer 4.6 positions within the law enforcement services general program operations GPR appropriation, as identified below. The transfers reflect action taken by the Joint Committee on Finance on November 12, 2014, to provide DOJ 5.0 GPR positions for the administration and evaluation of the treatment alternatives and diversion (TAD) program and the drug court grant program. In addition, the Committee directed DOJ to delete 5.0 GPR position vacancies. [Note that, in addition to the 4.6 positions identified below, the Department is utilizing an existing 0.4 positions within Criminal Justice Programs to support the administration and evaluation of the TAD program.]

a. Transfer 2.6 GPR positions from the Crime Information Bureau to Criminal Justice Programs.

b. Transfer 1.0 GPR positions from the Crime Laboratories to Criminal Justice Programs.

c. Transfer 1.0 GPR positions from DNA Analysis Resources to Criminal Justice Programs.

4. ELIMINATE LONG-TERM VACANCIES [LFB Paper 415]

	Governor (Chg. to Base)		Jt. Finance/Leg. (Chg. to Gov)		Net Change	
	Funding	Positions	Funding	Positions	Funding	Positions
PR	\$0	- 0.45	- \$58,600	0.00	- \$58,600	- 0.45
FED	<u>0</u>	<u>- 4.55</u>	<u>- 413,000</u>	<u>1.00</u>	<u>- 413,000</u>	<u>- 3.55</u>
Total	\$0	- 5.00	- \$471,600	1.00	- \$471,600	- 4.00

Governor: Reduce position authority by 0.45 PR positions and 4.55 FED positions as identified in the table below. The positions proposed for elimination have been vacant for 12 months or longer. Expenditure authority associated with the positions is not deleted. [Note that 1.0 FED position proposed for elimination under this provision is also proposed for elimination under the bill's provision to reduce federal funding for the Department of Justice (see "Federal Funding Reduction").]

<u>Appropriation</u>	<u>Base Position Authority</u>	<u>2015-17 Change</u>	<u>Position Classification</u>
Law Enforcement Services (PR)			
Law enforcement programs and youth diversion - administration	1.40	-0.45	Program and policy analyst - advanced
Law Enforcement Services (FED)			
Federal aid, state operations	30.13	-1.00	Policy initiatives advisor - administrator
		-1.00	Program and policy analyst - advanced
		-1.00	Operations program associate
		-0.55	Program and policy analyst - advanced
		<u>-1.00</u>	Criminal analyst - senior
<i>FED Total</i>		-4.55	

Joint Finance/Legislature: Restore 1.0 FED program and policy analyst position to account for the fact that two provisions of the bill eliminated the same position (see "Federal Funding Reduction," Item #5). As a result, a total of 0.45 PR position and 3.55 FED positions annually would be deleted from the Department's budget to account for long-term vacancies. In addition, delete \$29,300 PR and \$206,500 FED annually associated with the salary and fringe benefit costs of the eliminated 0.45 PR position and 3.55 FED positions.

5. FEDERAL FUNDING REDUCTION [LFB Paper 415]

Governor/Legislature: Reduce funding and position authority by \$78,100 and 1.0 position annually. The reduction in funding and position authority is associated with a program and policy analyst - advanced position that has been vacant since July 14, 2012. The administration indicates that federal funding for this program no longer exists, primarily due to a reduction in federal justice assistance grants. [Note that the FED position associated with the federal funding reduction is also being eliminated under the bill's

	Funding	Positions
FED	- \$156,200	- 1.00

provision to eliminate long-term vacancies in the Department of Justice (see "Eliminate Long-Term Vacancies").]

6. POSITION REALIGNMENT

Governor/Legislature: Provide -\$23,600 GPR, \$3,600 PR, and \$20,000 FED annually, -0.4 GPR position and 0.4 FED position, as well as transfers between appropriations, in order to align the funding of certain positions with statutory purposes.

According to the Department of Justice, during the 2013-15 biennium the responsibilities of various positions changed due to reorganizations and DOJ assuming new responsibilities following the dissolution of the Office of Justice Assistance under 2013 Act 20. The following table identifies the changes to base funding for the affected appropriations.

	Funding	Positions
GPR	- \$47,200	- 0.40
PR	7,200	0.00
FED	<u>40,000</u>	<u>0.40</u>
Total	\$0	0.00

Fund/Program	Affected Appropriation	Base		Appropriations		Positions	
		Funding	Positions	2015-16	2016-17	2015-16	2016-17
GPR							
Legal Services	General program operations	\$12,941,800	127.75	-\$108,900	-\$108,900	-1.00	-1.00
Law Enforcement Services	General program operations	19,651,100	203.43	-4,400	-4,400	-0.35	-0.35
Administrative Services	General program operations	<u>5,317,800</u>	<u>48.00</u>	<u>89,700</u>	<u>89,700</u>	<u>0.95</u>	<u>0.95</u>
	GPR Total	\$37,910,700	379.18	-\$23,600	-\$23,600	-0.40	-0.40
PR							
Legal Services	Interagency and intra-agency assistance	\$1,239,100	10.90	\$34,300	\$34,300	0.50	0.50
Law Enforcement Services	Criminal history searches; fingerprint identification	4,592,700	38.01	-77,400	-77,400	-1.00	-1.00
	Terminal charges	2,349,900	5.00	60,000	60,000	1.25	1.25
	Law enforcement training fund, state operations	3,046,700	23.32	18,500	18,500	0.00	0.00
	Interagency and intra-agency assistance	1,112,700	7.30	-75,800	-75,800	-1.50	-1.50
	Drug law enforcement, crime laboratories, and genetic evidence activities	8,016,300	69.50	58,900	58,900	1.00	1.00
	Wisconsin justice information sharing program	<u>667,800</u>	<u>4.40</u>	<u>-14,900</u>	<u>-14,900</u>	<u>-0.25</u>	<u>-0.25</u>
	PR Total	\$21,025,200	158.43	\$3,600	\$3,600	0.00	0.00
FED							
Law Enforcement Services	Federal aid; state operations	\$2,627,600	20.38	-\$92,200	-\$92,200	-1.60	-1.60
Victims and Witnesses	Federal aid; state operations relating to crime victim services	1,113,300	4.50	88,900	88,900	1.60	1.60
	Federal aid; victim assistance	<u>7,233,200</u>	<u>2.60</u>	<u>23,300</u>	<u>23,300</u>	<u>0.40</u>	<u>0.40</u>
	FED Total	\$10,974,100	27.48	\$20,000	\$20,000	0.40	0.40

7. EXPENDITURE AUTHORITY REESTIMATES

Governor/Legislature: Provide the following expenditure authority increases for continuing program revenue appropriations to reflect current revenue projections and program expenditures:

PR	\$2,565,000
FED	<u>8,024,200</u>
Total	\$10,589,200

a. \$737,500 PR annually for the appropriation that supports the concealed carry licensure and certification program and the handgun purchaser record check program. The

Department's Firearms Unit is charged with the responsibility of administering licenses to eligible individuals seeking to carry a concealed weapon, as well as certification cards to eligible former federal law enforcement officers seeking to carry concealed. Additionally, the unit responds to requests from firearm dealers seeking to have a background check performed on a potential firearm purchaser. Funding for both the concealed carry licensure program and the handgun purchaser record check program is generated from fees associated with applications, license renewal or replacement, and background checks. Base funding for the appropriation is \$1,327,700.

b. \$470,000 PR annually to the law enforcement services interagency and intra-agency assistance continuing appropriation. This appropriation generates revenue from monies received from other state agencies, as well as from transfers within the Department, for providing law enforcement services. Base funding for the appropriation is \$1,112,700.

c. \$75,000 PR annually for the program revenue appropriation that provides partial support for the sexual assault victim services (SAVS) grant program. The Department utilizes a combination of general purpose revenue and program revenue to administer annual grants to nonprofit organizations or public agencies that provide services for sexual assault victims. Program revenue for the SAVS program is generated from the child pornography surcharge, which is imposed on individuals 18 years of age or older who are sentenced or placed on probation for sexual exploitation of a child or possession of child pornography. The surcharge totals \$500 for each original or copy of a pornographic image associated with the crime. Base funding for the appropriation is \$0.

Additionally, provide the following expenditure authority changes for federal revenue appropriations to reflect current revenue projections:

a. -\$91,000 FED annually to the legal services federal aid appropriation. Base funding for the appropriation is \$1,205,300.

b. \$1,000,000 FED annually to the law enforcement services federal aid, state operations appropriation. Base funding for the appropriation is \$2,627,600.

c. -\$771,900 FED annually to the law enforcement services federal aid, local assistance appropriation. Base funding for the appropriation is \$11,655,000.

d. \$150,000 FED annually to the administrative services indirect cost reimbursements appropriation. Indirect cost reimbursements are monies received from the federal government to support the indirect costs associated with administering federal grants and contracts. Indirect costs may include: administration, program implementation, position funding, payment of federal aid disallowances, and other purposes permitted by law. Base funding for the appropriation is \$336,800.

e. \$1,000,000 FED annually to the victims and witnesses federal aid; victim compensation appropriation. Base funding for the appropriation is \$823,900.

f. -\$290,000 FED annually to the victim and witnesses federal aid, state operations relating to crime victim services appropriation. Funding in the appropriation is utilized to support

the administration of crime victim services. Base funding for the appropriation is \$1,113,300.

g. \$3,015,000 FED annually to the victim and witnesses federal aid; victim assistance appropriation. Funding in the appropriation is utilized to fund state and local services aimed at providing support to crime victims. Base funding for the appropriation is \$7,233,200.

8. PENALTY SURCHARGE MODIFICATIONS [LFB Papers 416, 417, and 418]

Governor: Modify current law relating to penalty surcharge obligations as identified below. Generally, whenever a court imposes a fine or forfeiture for a violation of state law or for a violation of a municipal or county ordinance, the court must impose a penalty surcharge totaling 26% of the total fine or forfeiture. The penalty surcharge is not imposed, however, when the court imposes a fine or forfeiture for a violation relating to the following: (a) prohibitions against smoking; (b) failure to carry proof of motor vehicle insurance; (c) nonmoving traffic violations; (d) lack of possession of a special identification card for the physically disabled; and (e) safety belt use.

Revenues from the penalty surcharge are received by DOJ's penalty surcharge; receipts appropriation. Under current law, monies are transferred from the penalty surcharge; receipts appropriation to appropriations within DOJ, the Department of Public Instruction, the Department of Corrections, and the State Public Defender.

Court Interpreters. Utilize penalty surcharge receipts to support the Circuit Courts' program revenue expenses related to court interpreters. Further, require that, at the end of each fiscal year, the unencumbered balance of the Circuit Courts' court interpreters appropriation transfer to the penalty surcharge appropriation.

Under current law, the Director of State Courts must reimburse counties for the actual expenses paid for interpreters required by circuit courts to assist individuals with limited English proficiency. Funding for court interpreters is provided, in part, from justice information system (JIS) surcharge receipts. Subject to certain exceptions, the \$21.50 JIS surcharge is imposed with a court fee for the commencement or filing of certain court proceedings. Base funding for court interpreters from JIS surcharge revenue is \$232,700. [See "Justice Information System Surcharge Appropriation Modifications," Item #9.]

Crime Laboratory Equipment. Utilize receipts from the crime laboratory and drug law enforcement surcharge and the deoxyribonucleic acid (DNA) surcharge, rather than the penalty surcharge, to support crime laboratory equipment and supplies. Further, provide that at the end of each fiscal year, the unencumbered balance of the crime laboratory equipment and supplies appropriation transfer to DOJ's crime laboratories and DNA analysis appropriation. The state operates three crime laboratories located in Madison, Milwaukee, and Wausau to assist Wisconsin law enforcement agencies in criminal investigations. The crime laboratory equipment and supplies appropriation supports: (a) the maintenance, repair, upgrade, and replacement costs of laboratory equipment; (b) supplies used to maintain, repair, upgrade and replace laboratory equipment; and (c) the operating costs of the three state crime laboratories. Base funding from the penalty surcharge for the crime laboratory equipment and supplies appropriation is \$558,100.

Under current law, the \$13 crime laboratory and drug law enforcement surcharge is assessed if a court imposes a sentence, places a person on probation, or imposes a forfeiture for a violation of most state laws or municipal or county ordinances. Similar to the penalty surcharge, the crime laboratory and drug law enforcement surcharge is not imposed for violations relating to: (a) prohibitions against smoking; (b) proof of motor vehicle insurance; (c) nonmoving traffic violations; (d) possession of a special identification card for the physically disabled; and (e) safety belt use. The DNA surcharge is assessed if a court imposes a sentence or places a person on probation. The DNA surcharge totals \$250 for each felony conviction and \$200 for each misdemeanor conviction.

The following table summarizes the obligations of the penalty surcharge, as affected by the bill:

<u>Agency</u>	<u>Penalty Surcharge Obligation</u>	<u>Base Funding</u>	<u>2015-16</u>	<u>2016-17</u>
Justice	Law enforcement training fund, local assistance	\$4,364,800	\$4,364,800	\$4,364,800
	Law enforcement training fund, state operations	3,046,700	3,063,600	3,067,000
	Crime laboratory equipment and supplies*	558,100	0	0
	Transaction information management of enforcement (TIME) system	729,900	713,700	714,300
	Drug crimes enforcement; local grants	717,900	717,900	717,900
	Youth diversion program**	672,400	0	0
	Law enforcement programs - administration	162,900	175,100	175,300
	Drug enforcement intelligence operations	1,701,200	1,652,700	1,667,500
	Reimbursement to counties for victim-witness services	748,900	748,900	748,900
	State justice assistance grants***	0	525,100	525,100
Public Instruction	Alcohol and other drug abuse programs	597,600	609,500	609,500
	Aid for alcohol and other drug abuse programs	1,284,700	1,284,700	1,284,700
Corrections	Victim services and programs	280,700	272,200	272,200
	Correctional officer training	2,357,500	2,416,600	2,416,600
Public Defender	Conferences and training	146,900	151,800	151,900
Circuit Courts	Court interpreters****	<u>0</u>	<u>232,700</u>	<u>232,700</u>
Total		\$17,370,200	\$16,929,300	\$16,948,400

*Under the budget bill, crime lab equipment and supplies would be funded by the crime laboratory and drug law enforcement surcharge and the DNA surcharge.

**Under the budget bill, the youth diversion grant program would be eliminated. [see "State Justice Assistance Grants."]

***Under the budget bill, a state justice assistance grant program would be created and partially funded from penalty surcharge revenues. [see "State Justice Assistance Grants."]

****Court interpreters are currently funded from justice information system surcharge revenues.

Joint Finance/Legislature: As a result of the deletion of the state justice assistance grant program and the restoration of the youth diversion grant program (Item #11), modify penalty surcharge obligations as identified in the table below.

<u>Agency</u>	<u>Penalty Surcharge Obligation</u>	<u>Base Funding</u>	<u>2015-16</u>	<u>2016-17</u>
Justice	Law enforcement training fund, local assistance	\$4,364,800	\$4,364,800	\$4,364,800
	Law enforcement training fund, state operations	3,046,700	3,063,600	3,067,000
	Crime laboratory equipment and supplies	558,100	0	0
	Transaction information management of enforcement (TIME) system	729,900	713,700	714,300
	Drug crimes enforcement; local grants	717,900	717,900	717,900
	Youth diversion program*	672,400	672,400	672,400
	Law enforcement programs - administration	162,900	175,100	175,300
	Drug enforcement intelligence operations	1,701,200	1,652,700	1,667,500
	Reimbursement to counties for victim-witness services	748,900	748,900	748,900
	State justice assistance grants*	0	0	0
Public Instruction	Alcohol and other drug abuse programs	597,600	609,500	609,500
	Aid for alcohol and other drug abuse programs	1,284,700	1,284,700	1,284,700
Corrections	Victim services and programs	280,700	272,200	272,200
	Correctional officer training	2,357,500	2,416,600	2,416,600
Public Defender	Conferences and training	146,900	151,800	151,900
Circuit Courts	Court interpreters	<u>0</u>	<u>232,700</u>	<u>232,700</u>
Total		\$17,370,200	\$17,076,600	\$17,095,700

*As a result of action taken by the Joint Committee on Finance, the state justice assistance grant program would be eliminated from the bill and the youth diversion grant program would be restored.

[Act 55 Sections: 749, 752, 753, 778, 782, and 834]

9. JUSTICE INFORMATION SYSTEM SURCHARGE APPROPRIATION MODIFICATIONS [LFB Papers 416, 417, and 418]

Governor: Modify current law relating to the justice information system (JIS) surcharge as identified below. Subject to certain exceptions, the \$21.50 JIS surcharge is currently imposed with a court fee for the commencement or filing of certain court proceedings, including: civil, small claims, forfeiture, wage earner, or garnishment actions; an appeal from municipal court; a third party complaint in a civil action; or counterclaim or cross complaints in a small claims action. The JIS surcharge is not imposed, however, when an individual is charged a fee for the commencement or filing of court proceedings relating to the following violations: (a) failure to carry proof of vehicle insurance; (b) lack of possession of a special identification card for the physically disabled; and (c) safety belt use.

Under current law, \$6 from every JIS surcharge is received by the Court System for the operation of the Consolidated Court Automation Programs (CCAP), while the remaining surcharge receipts (\$15.50) are received by the Department of Administration's (DOA) JIS surcharge continuing PR appropriation. The JIS surcharge appropriation is required to lapse the first \$700,000 it receives to the general fund to be recorded as GPR-Earned. Subsequent JIS surcharge revenues received by the appropriation are transferred to annual appropriations in DOA, DOJ, the Department of Corrections, and the Court System to support the following state

programs: (a) justice information systems; (b) the Wisconsin Interoperability System for Communications (WISCOM); (c) the Wisconsin Justice Information Sharing program (WiJIS); (d) treatment alternatives and diversion (TAD) grants; (e) law enforcement officer grants; (f) child advocacy center grants; (g) victim notification; and (h) court interpreters.

a. *Court Interpreters.* Utilize penalty surcharge revenues, rather than JIS surcharge revenues, to support the Circuit Courts' expenses related to court interpreters. Under current law, the Director of State Courts must reimburse counties for the actual expenses paid for interpreters required by circuit courts to assist persons with limited English proficiency. Base funding for court interpreters from JIS surcharge revenue is \$232,700.

The penalty surcharge is assessed when a court imposes a fine or forfeiture for most violations of state law or for a violation of municipal or county ordinance. The penalty surcharge totals 26% of the total fine or forfeiture. [See "Penalty Surcharge Modifications," Item #8.]

b. *Reversion of Funding.* Modify current law such that, at the end of each fiscal year, an unencumbered balance in an appropriation that is supported through a transfer of funds from DOA's JIS surcharge appropriation reverts to DOA's JIS surcharge appropriation. Further, provide that, if any of the currently funded appropriations supported through a transfer of funds from DOA's JIS surcharge appropriation (other than the Circuit Courts' court interpreters PR appropriation) has an unencumbered balance at the end of 2014-15, an amount equal to that unencumbered balance must be transferred from the appropriation to DOA's JIS surcharge appropriation in 2015-16.

Under current law, an unencumbered balance in an appropriation that is supported through a transfer of funds from the JIS surcharge appropriation remains with the appropriation.

The following table identifies the obligations for the JIS surcharge, as affected by the bill:

<u>Agency</u>	<u>Justice Information System Surcharge Obligation</u>	<u>Base Funding</u>	<u>2015-16</u>	<u>2016-17</u>
Administration	Justice information systems	\$4,123,500	\$4,232,100	\$4,234,000
Justice	Interoperable communications system	1,022,200	1,045,000	1,045,000
	Law enforcement officer supplement grants*	1,224,900	0	0
	Child advocacy center grant program*	238,100	0	0
	Treatment, alternatives, and diversion (TAD) grant program	1,078,400	1,078,400	1,078,400
	Wisconsin justice information sharing programs	667,800	714,100	714,800
	State justice assistance grants**	0	1,224,900	1,224,900
Corrections	Victim notification	682,300	682,300	682,300
Circuit Courts	Court interpreters***	<u>232,700</u>	<u>0</u>	<u>0</u>
Total****		\$9,269,900	\$8,976,800	\$8,979,400

*Under the bill, the law enforcement officer grant program and the child advocacy center grant program would be eliminated. [See "State Justice Assistance Grants."]

**Under the bill, a new state justice assistance grant program would be created and partially funded from JIS surcharge revenues. [See "State Justice Assistance Grants."]

***Under the bill, court interpreters would be funded through revenue from the penalty surcharge.

****Total obligation amounts do not include the following: (a) a first draw lapse of \$700,000 to the general fund; (b) \$6.00 of every \$21.50 assessed that is allocated to the Court System for the operation of CCAP.

Joint Finance/Legislature: As a result of the deletion of the state justice assistance grant program and the restoration of the law enforcement officer grant program and the child advocacy center grant program (Item #11), modify JIS surcharge obligations as identified in the table below.

<u>Agency</u>	<u>Justice Information System Surcharge Obligation</u>	<u>Base Funding</u>	<u>2015-16</u>	<u>2016-17</u>
Administration	Justice information systems	\$4,123,500	\$4,232,100	\$4,234,000
Justice	Interoperable communications system	1,022,200	1,045,000	1,045,000
	Law enforcement officer supplement grants*	1,224,900	1,224,900	1,224,900
	Child advocacy center grant program*	238,100	238,100	238,100
	Treatment, alternatives, and diversion (TAD) grant program	1,078,400	1,078,400	1,078,400
	Wisconsin justice information sharing programs	667,800	714,100	714,800
	State justice assistance grants*	0	0	0
Corrections	Victim notification	682,300	682,300	682,300
Circuit Courts	Court interpreters	<u>232,700</u>	<u>0</u>	<u>0</u>
Total		\$9,269,900	\$9,214,900	\$9,217,500

*As a result of action taken by the Joint Committee on Finance, the state justice assistance grant program would be eliminated from the bill and the law enforcement officer grant program and the child advocacy center grant program would be restored.

[Act 55 Sections: 659, 749, 752, 754s, 756, 758, 759, 764c, 778, 782, 788, 834, and 9226(1)]

10. JUSTICE INFORMATION SYSTEM SURCHARGE FEE MODIFICATIONS [LFB Paper 418]

	Governor (Chg. to Base)	Jt. Finance/Leg. (Chg. to Gov)	Net Change
PR-REV	\$2,998,000	- \$2,998,000	\$0

Governor: Repeal current exceptions to the JIS surcharge. As a result, the JIS surcharge would be imposed with a fee for the filing or commencement of certain court proceedings relating to the following violations: (a) failure to carry proof of vehicle insurance; (b) lack of possession of a special identification card for the physically disabled; and (c) safety belt use.

The administration estimates that repealing the exceptions for the JIS surcharge would generate additional revenues totaling \$1,499,000 annually, of which \$418,300 would be received by the Court System for the administration of CCAP and the remaining \$1,080,700 would be received by DOA's JIS surcharge appropriation. Estimated revenue generated from the repeal of the JIS surcharge exceptions is broken down as follows: (a) \$830,600 from actions stemming from safety belt use violations; and (b) \$668,400 from actions stemming from proof of motor vehicle insurance violations. [It is estimated that no additional revenue would be generated from repealing the exception associated with violations relating to possession of special identification cards for the physically disabled.]

Joint Finance/Legislature: Delete provision.

11. STATE JUSTICE ASSISTANCE GRANTS [LFB Paper 416]

	Governor (Chg. to Base)	Jt. Finance/Leg. (Chg. to Gov)	Net Change
GPR	- \$642,000	\$0	- \$642,000
PR	<u>- 1,334,000</u>	<u>1,334,000</u>	<u>0</u>
Total	- \$1,976,000	\$1,334,000	- \$642,000

Governor: Provide \$1,750,000 PR annually and create a state justice assistance grant program that would replace existing grant programs. In administering the state justice assistance grant program (SJAG), DOJ must provide justice assistance grants to state agencies, local units of government, and private organizations to support the following: (a) the investigation, prosecution, or prevention of crime; (b) the enhancement of public safety; (c) the facilitation of multijurisdictional or interagency information sharing; (d) the support of crime victims; and (e) the reduction of recidivism or crime.

Create an annual PR appropriation that would receive funding for state justice assistance grants. Annual funding for state justice assistance grants would be comprised of \$1,224,900 from the justice information system (JIS) surcharge and \$525,100 from the penalty surcharge. Provide that, at the end of each fiscal year, 70% of the unencumbered funds in the appropriation would

revert to the JIS surcharge fund and 30% of the unencumbered funds would revert to the penalty surcharge fund. The \$21.50 justice information system surcharge is assessed with a court fee for the commencement or filing of certain court proceedings. The penalty surcharge is assessed when a court imposes a fine or forfeiture for most violations of state law or municipal or county ordinance, totaling 26% of the total fine or forfeiture.

Direct DOJ to develop and periodically update a strategic plan for state justice assistance grants in consultation with local law enforcement, district attorneys, the Secretary of the Department of Corrections, the Director of State Courts, and the State Public Defender. In providing state justice assistance grants, direct DOJ to give preference to programs that have at least one of the following characteristics: (a) the program has a primarily statewide or regional impact on the investigation, prosecution, or prevention of crime and is consistent with the Department's strategic plan; (b) the program has a primarily local impact on the investigation, prosecution, or prevention of crime and can be measured for effectiveness and is consistent with the Department's strategic plan; (c) the program supports the investigation, prosecution, or prevention of crimes against children, domestic violence, or sexual assault; (d) the program is designed to facilitate multijurisdictional or interagency information sharing that will assist in the investigation, prosecution, or prevention of crime; and (e) the program is designed to reduce recidivism or otherwise reduce crime and can be measured for effectiveness.

Direct DOJ to develop criteria and procedures to use in selecting recipients of grants and in administering the program. These criteria and procedures do not need to be promulgated as rules. Further, require recipients of state justice assistant grants to comply with state audits and any other criteria specified by DOJ.

Direct DOJ to include information regarding the Department's administration of SJAG in its annual report to the Legislature on certain justice-related grant programs. Under current law, the report must be submitted annually by January 15th, and the report must include the following information: (a) the amount of each grant awarded by DOJ for the prior fiscal year; (b) the grantee to whom each grant was awarded; (c) the agency's methodology for awarding grants and determining the level of grant funding to each grant recipient; (d) performance measures created by DOJ; and (e) reported results from each grant recipient in each fiscal year as to the attainment of the Department's performance measures. Under current law, DOJ must include in its annual report information on the treatment alternatives and diversion (TAD) program, the drug court grant program, the child advocacy center grant program, the law enforcement officer grant program, and the youth diversion grant program. Under the bill, DOJ's annual report would have to include information regarding the TAD program, the drug court grant program, and SJAG.

Modify the statutory language of the law enforcement programs administration annual PR appropriation such that funding in the appropriation supports the administration of grants for law enforcement assistance as well as SJAG. Delete references to youth diversion. Under current law, the appropriation is utilized to support the administration of grants for law enforcement assistance as well as youth diversion grants. Funding for the appropriation is derived from the penalty surcharge. Base resources for the appropriation are \$162,900 PR and 1.4 positions.

Eliminate the following grant programs and associated funding:

Youth Diversion Grant Program. The youth diversion grant program requires DOJ to enter into contracts with organizations for the diversion of youths from gang activities into productive activities, including placement in educational, recreational, and employment programs. Current law directs DOJ to enter into the following contracts: (a) \$500,000 to an organization that provides services in a county having a population of 500,000 or more; (b) \$150,000 to an organization that provides services to Racine County; (c) \$150,000 to an organization that provides services to Kenosha County; (d) \$150,000 to an organization located in Ward 2 of the City of Racine to provide services to Racine County; (e) \$150,000 to an organization that provides services to Brown County; and (f) \$100,000 to an unspecified organization (which DOJ has awarded to an organization in Racine County). Base funding for youth diversion contracts is \$321,000 GPR and \$672,400 PR. Program revenue for youth diversion contracts is generated from the penalty surcharge.

In addition to youth diversion contracts, the statutes specify that DOJ may not distribute more than \$300,000 annually to the organization it has contracted with that provides services to a county with a population of 500,000 or more for alcohol and other drug abuse education and treatment services for the participants in that organization's youth diversion program. Base funding for this contract is \$281,600 PR. Program revenue for this grant is generated from a federal substance abuse and mental health services administration (SAMSHA) grant that is transferred to DOJ from the Department of Health Services.

Law Enforcement Officer Grant Program. The law enforcement officer grant program provides grants to cities to employ additional uniformed law enforcement officers whose primary duty is beat patrolling. To be eligible for a grant, a city must have a population of at least 25,000. The Department must make grant awards to the 10 eligible cities submitting applications that have the highest rates of violent crime index offenses in the most recent full calendar year for which data is available in the FBI's uniform crime reporting system. The Department may not make an annual grant in excess of \$150,000 to any one city. Base funding for law enforcement officer grants is \$1,224,900 PR. Program revenue funding for this grant is generated from the JIS surcharge.

Child Advocacy Center Grant Program. The child advocacy center grant program requires DOJ to provide 14 annual grants of \$17,000 each to child advocacy centers in the 14 counties listed in following table. The statutes identify the grant recipients in 11 counties, while in Brown, Racine, and Walworth Counties the statutes do not specify the child advocacy center that must receive the annual grant.

<u>County</u>	<u>Child Advocacy Center</u>
Brown	Unspecified child advocacy center
Chippewa	Chippewa County Child Advocacy Center
Dane	Safe Harbor
Green	CHAT Room
Kenosha	Kenosha Child Advocacy Center
La Crosse	Stepping Stones
Marathon	Child Advocacy Center of Northeastern WI
Milwaukee	Child Protection Center
Racine	Unspecified child advocacy center
Rock	Care House
Walworth	Unspecified child advocacy center
Waukesha	CARE Center
Winnebago	Fox Valley Child Advocacy Center
Wood	Marshfield Child Advocacy Center

Child advocacy centers are intended to provide comprehensive services for child victims and their families by coordinating services from law enforcement and criminal justice agencies, child protective services, victim advocacy agencies, and health care providers. Grants awarded under the program typically fund multi-disciplinary teams of law enforcement, nurses, and victim advocates to record victim interviews and collect evidence in child sexual assault and child abuse cases. Base funding for the child advocacy center grant program is \$238,100 PR. Program revenue for this grant program is generated from the JIS surcharge.

The following table summarizes the SJAG proposal on an annual basis:

	<u>GPR</u>	<u>PR</u>	<u>PR Funding Source</u>
State Justice Assistance Grant Program			
Local Grants		\$1,750,000	Justice information surcharge (\$1,224,900); penalty surcharge (\$525,100)
Total		\$1,750,000	
Eliminated Grant Programs			
Youth Diversion*	-\$321,000	-\$954,000	Penalty surcharge (-\$672,400); interagency and intra-agency assistance (-\$281,600)
Law enforcement officer		-1,224,900	Justice information surcharge
Child advocacy center		-238,100	Justice information surcharge
Total	-\$321,000	-\$2,417,000	
Annual Total	-\$321,000	-\$667,000	Justice information surcharge (-\$238,100); penalty surcharge (-\$147,300); interagency and intra-agency assistance (-\$281,600)

*Interagency and intra-agency assistance funding for youth diversion is derived from a federal SAMSHA grant that is transferred to DOJ from the Wisconsin Department of Health Services.

Joint Finance/Legislature: Delete the state justice assistance grant program and related provisions. Delete \$1,750,000 PR annually that is appropriated for the program and eliminate the state justice assistance grant program appropriation.

Instead, retain the youth diversion grant program, the law enforcement officer grant program, and the child advocacy center grant program. Restore base PR funding for each of the three current law grant programs, but delete GPR funding for the youth diversion grant program totaling \$321,000 GPR annually. As a result, annual funding for the three current law grant programs during the 2015-17 biennium would be \$954,000 PR for youth diversion grants, \$1,224,900 PR for law enforcement officer grants, and \$238,100 PR for child advocacy center grants (\$2,417,000 PR annually in total).

Modify current law to eliminate the youth diversion grant provided to an organization that is located in Ward 2 in the City of Racine.

Associated with the GPR reduction in funding for the youth diversion grant program, reduce funding provided to youth diversion grant recipients, as identified in the table below. As a result, youth diversion grant awards, except amounts awarded to the Milwaukee Community Relations-Social Development Commission for its AODA initiative, would be reduced by 22.6% during the 2015-17 biennium as compared to the amount awarded during the 2013-15 biennium. As footnote to the table indicates, youth diversion grant funding awarded to the Milwaukee Community Relations-Social Development Commission for its AODA initiative is supported by a federal Substance Abuse and Mental Health Services Administration (SAMSHA) grant that is transferred from the Department of Health Services to the Department of Justice. Therefore, an across-the-board funding reduction for youth diversion grants would not be applied to this grant award.

<u>County</u>	<u>Organization</u>	<u>2013-15 Annual Grant Awards</u>	<u>2015-17 Annual Grant Award Under Joint Finance</u>
Brown	Brown County Boys and Girls Club	\$124,350	\$96,200
Kenosha	City of Kenosha	124,350	96,200
Milwaukee	Milwaukee Community Relations-Social Development Commission	414,100	320,400
Milwaukee *	Milwaukee Community Relations-Social Development Commission - AODA initiative	281,600	281,600
Racine (Ward 2 in the City of Racine) **	George Bray Neighborhood Center	124,350	0
Racine***	City of Racine	81,900	63,400
Racine	City of Racine (Racine Family YMCA)	124,350	96,200
	Total	\$1,275,000	\$954,000

*Under current law, funding for this grant is supported by a federal SAMSHA grant that is transferred from the Department of Health Services to the Department of Justice. Therefore, an across-the-board reduction to youth diversion grants would not be applied to this grant award.

**Under the bill, the youth diversion grant for an organization located in Ward 2 in the City of Racine would be eliminated.

***Current law does not specify the county that must receive this youth diversion grant. The Department, however, has awarded this grant to Racine County in the past.

[Act 55 Sections: 748, 3515b, 3515d, and 9126(1c)]

12. SOLICITOR GENERAL'S OFFICE [LFB Paper 419]

	Governor		Jt. Finance/Leg.		Net Change	
	(Chg. to Base)		(Chg. to Gov)			
	Funding	Positions	Funding	Positions	Funding	Positions
PR	\$1,027,700	4.00	\$0	0.00	\$1,027,700	4.00
FED	<u>0</u>	<u>0.00</u>	<u>0</u>	<u>- 4.00</u>	<u>0</u>	<u>- 4.00</u>
Total	\$1,027,700	4.00	\$0	- 4.00	\$1,027,700	0.00

Governor: Provide \$443,200 in 2015-16 and \$584,500 in 2016-17, and 4.0 unclassified positions, to create a solicitor general and three deputy solicitors general. Funding would be provided as follows: (a) \$302,500 in 2015-16 and \$403,300 in 2016-17 for permanent position salaries; (b) \$121,500 in 2015-16 and \$162,000 in 2016-17 for fringe benefits; and (c) \$19,200 annually for supplies and services. Program revenue for the Solicitor General's Office would be generated from funds received from other DOJ appropriations for expenses related to the Office. The administration indicates that the creation of a Solicitor General's office would, "allow the Department to provide a more in-depth level of representation for the state at both the state and federal appellate levels for increasingly complicated legal issues."

Provide the Attorney General authority to appoint, in the unclassified service, a solicitor general and no more than three deputy solicitors general, each of whom must be an attorney at law licensed in Wisconsin. Further, provide the Attorney General authority to assign assistant attorneys general to assist the solicitor general.

Finally, create a continuing, program revenue solicitor general appropriation to support the Solicitor General's Office. Program revenue for the appropriation would be generated from funds transferred from other DOJ appropriations for expenses related to the Solicitor General's Office.

Joint Finance/Legislature: Delete the solicitor general appropriation. Further, delete funding and position authority totaling \$443,200 PR in 2015-16, \$584,500 PR in 2016-17, and 4.0 unclassified PR positions annually.

Instead, authorize the legal services investigation and prosecution continuing PR appropriation to support the Solicitor General's office. Further, increase the position and expenditure authority of the investigation and prosecution appropriation by \$443,200 PR in 2015-16, \$584,500 PR in 2016-17, and 4.0 unclassified PR positions. Under current law, the appropriation is authorized to support DOJ's expenses related to the investigation and prosecution of violations, including attorney fees. Program revenue for the appropriation is generated when DOJ recovers expenses from its investigation and prosecution of violations relating to: (a) the Medical Assistance program; (b) marketing and trade practices; (c) trusts and monopolies; and (d) various environmental violations enforced by the Department of Natural Resources. There is no base funding or position authority associated with this appropriation.

Direct the Attorney General to eliminate 4.0 position vacancies. For purposes of this summary, it is assumed that the Attorney General would eliminate 4.0 FED positions. However,

the Department could eliminate 4.0 positions from a combination of other funding sources.

[Act 55 Sections: 744v, 3501, and 3671]

13. TRANSFER STATE PROSECUTORS OFFICE TO JUSTICE [LFB Paper 263]

	<u>Governor</u> <u>(Chg. to Base)</u>		<u>Jt. Finance/Leg.</u> <u>(Chg. to Gov)</u>		<u>Net Change</u>	
	Funding	Positions	Funding	Positions	Funding	Positions
GPR	\$363,400	1.00	-\$363,400	- 1.00	\$0	0.00

Governor: Provide \$181,700 and 1.0 position annually and transfer the State Prosecutors Office from the Department of Administration (DOA) to DOJ. Funding would be provided as follows: (a) \$88,300 annually for permanent position salaries; (b) \$33,700 annually for fringe benefits; and (c) \$59,700 annually for supplies and services. Further, as determined by the Secretary of DOA, transfer the assets and liabilities, position, incumbent employee (along with the incumbent employee's current civil service status and benefits), tangible personal property, contracts, pending matters, and promulgated rules primarily related to the State Prosecutors Office from DOA to DOJ. Finally, require DOJ, rather than DOA, to prepare the District Attorney's (DA) biennial agency budget request.

In order to administer the state's responsibility as the employer of district attorneys (DA), deputy DAs, and assistant DAs, 1989 Act 31 created the State Prosecutors Office in DOA. The State Prosecutors Office is responsible for coordinating administrative duties relating to the district attorney offices. Major responsibilities of the Office include: (a) payroll; (b) fringe benefits; (c) budgets; (d) billing counties for grant-funded positions; (e) collective bargaining (restricted to salary increases only); (f) advising elected DAs on their rights and responsibilities under the state compensation plan, Office of State Employment Relations administrative code, and the statutes; (g) producing fiscal notes and bill analyses for legislative proposals affecting the DAs; and (h) serving as a central point of contact for all prosecutors. [See "Administration -- Transfers" and "District Attorneys."]

Joint Finance/Legislature: Delete provision.

14. TRANSFER OF FUNDS TO DISTRICT ATTORNEYS FOR DNA EVIDENCE PROSECUTOR

Governor/Legislature: Modify current law to specify that funds appropriated for the District Attorney's deoxyribonucleic acid (DNA) evidence prosecutor are transferred directly from DOJ's crime laboratories and DNA analysis PR appropriation. Further, modify current law such that, at the end of each fiscal year, unencumbered funds appropriated for the DA's DNA evidence prosecutor are transferred back to DOJ's crime laboratories and DNA analysis appropriation.

Under current law, funding for the DA's DNA evidence prosecutor is transferred from DOJ's drug law enforcement and crime laboratories PR appropriation. Funding for DOJ's drug law enforcement and crime laboratories appropriation is first transferred from DOJ's crime laboratories and DNA analysis appropriation.

The DA's DNA evidence prosecutor supports criminal justice agencies statewide by: (a) prosecuting criminal cases where DNA evidence plays a critical role; (b) conducting training sessions statewide related to the use of DNA evidence; and (c) providing expert advice on DNA evidence to criminal justice agencies across the state. Base funding for the prosecutor is \$149,100.

[Act 55 Sections: 755, 762, 768, and 3509]

15. CRIME VICTIM COMPENSATION HEARINGS AND SEXUAL ASSAULT FORENSIC EXAM HEARINGS [LFB Paper 420]

Governor: Modify current law regarding the Department of Administration's (DOA) Division of Hearings and Appeals' role in contested case hearings relating to crime victim compensation and awards under the sexual assault forensic exam (SAFE) program, as identified below.

Under current law, the Division of Hearings and Appeals (DHA) must appoint a hearing examiner in the event of a contested case relating to crime victim compensation awards and awards made under the SAFE program. Subject to the rules of the agency, a hearing examiner may: (a) administer oaths and affirmations; (b) issue and enforce subpoenas authorized by law; (c) rule on offers of proof and receive relevant evidence; (d) take depositions and have depositions taken; (e) regulate the course of the hearing; (f) hold conferences for the settlement or simplification of the issues by consent of the parties; (g) dispose of procedural requests or similar matters; (h) make or recommend findings of fact, conclusions of law, and decisions to the extent permitted by law; and (i) take other action authorized by agency rule consistent with the statutory provisions regarding administrative procedure and review. If DHA is not required to assign a hearing examiner to preside over a contested case, an agency may designate an official of the agency or a staff member from another agency to act as a hearing examiner.

Crime Victim Compensation Program. Repeal the requirement that DOA's Division of Hearings and Appeals appoint a hearing examiner for contested cases relating to crime victim compensation. Under the bill, DOJ would retain the option to enter into a contract with DHA, under which DHA would assign a hearing examiner to preside over a contested case relating to crime victim compensation. These provisions would apply to hearings commenced after the effective date of the bill.

The Department's Office of Crime Victim Services administers the state's crime victim compensation program. Under the program, DOJ makes awards to victims of crimes, as well as dependents of deceased victims, to provide compensation for costs related to: (a) medical treatment; (b) lost wages; (c) crime scene clean-up; (d) replacement of property held for evidentiary purposes; (e) funeral and burial expenses; and (f) if the victim is a homemaker,

securing homemaker services. In addition, DOJ may provide compensation to family members of victims, or individuals who live in the same household as the victim, who incur economic losses as a result of their reaction to the victim's death.

Under current law, potential awardees of crime victim compensation may file a petition with DOJ to contest the Department's decision relating to the award. Currently, the Department must grant a contested case hearing if: (a) a substantial interest of the petitioner is injured in fact or threatened with injury by agency action or inaction; (b) there is no evidence of legislative intent that the substantial interest of the petitioner is not to be protected; (c) the injury to the petitioner requesting the hearing is different in kind or degree from injury to the general public caused by the Department's action or inaction; and (d) there is a dispute of material fact. [If the Department decides not to grant a case hearing, the petitioner may file with a court for judicial review of DOJ's decision not to grant the hearing.] In the event of a contested case hearing relating to crime victim compensation, DHA must appoint a hearing examiner to conduct the hearing, make findings, and issues orders. Any party who is adversely affected by the decision of the hearing examiner may appeal the decision with the Attorney General.

The Department indicates that in calendar year 2014, DOJ referred 25 cases to DHA for crime victim compensation disputes. The 25 referrals led to 14 contested case hearings. Generally, a referral to DHA may not lead to a contested case hearing if: (a) the matter is settled during a prehearing conference; (b) the petitioner affirmatively withdraws their hearing request; or (c) the petitioner fails to appear in person or by attorney at a prehearing conference and, as a result, the petition is dismissed.

Sexual Assault Forensic Exams Program. Repeal the requirement that DHA appoint a hearing examiner for contested cases relating to payments made under the sexual assault forensic examination (SAFE) program. Under the bill, DOJ would retain the option to enter into a contract with DHA, under which DHA would assign a hearing examiner to preside over a contested case relating to payments under the SAFE program. These provisions would apply to hearings commenced after the effective date of the bill.

The Office of Crime Victim Services administers the SAFE program, which reimburses medical providers for the costs of examining victims of sex offenses in order to gather evidence. Examination costs reimbursable under the SAFE program include: (a) an examination that is done to gather evidence regarding a sex offense; (b) any procedure performed during the examination process that tests for or prevents a sexually transmitted disease; and (c) any medication provided or prescribed during the examination process that prevents or treats a sexually transmitted disease that the person performing the examination believes could be a consequence of the sex offense. The SAFE program does not reimburse administrative costs, attorney fees, or other expenses.

Under current law, if the medical provider contests DOJ's award under the SAFE program, or lack thereof, the medical provider may file a petition for a contested case. Similar to contested cases related to crime victim compensation, the Department must grant a contested case regarding an award under the SAFE program if the requirements under the statutes are met. [If the Department does not grant the contested case, the petitioner may file with a court for judicial

review of the Department's decision.] In the event of a contested case hearing relating to awards under the SAFE program, DHA must appoint a hearing examiner to conduct the hearing, make findings, and issues orders.

The Department indicates that in calendar year 2014, there were no cases related to SAFE awards referred to DHA. According to the Department, generally, the only instance in which a claim under the SAFE program would be denied is if one of the two following statutory provisions is violated: (a) the claim for reimbursement under the SAFE program is filed within one year after the date of the examination; and (b) the crime that causes the need for an examination occurs in Wisconsin. If one of the two statutory provisions is violated, DOJ will contact the medical provider and explain why SAFE funds cannot be utilized to reimburse the medical provider for the costs of the examination. (See "Administration -- Division of Hearing and Appeals".)

Joint Finance/Legislature: Delete provision.

16. INTERAGENCY AND INTRA-AGENCY ASSISTANCE [LFB Paper 421]

Governor/Legislature: Convert the legal services interagency and intra-agency assistance appropriation from an annual program revenue appropriation to a continuing PR appropriation. Continuing appropriations allow state agencies to expend all monies received without requiring legislative approval of appropriation levels. Revenue for the appropriation is generated when DOJ charges a state agency for legal services rendered on that agency's behalf. The appropriation also receives funding from a federal grant provided to the Department of Transportation (DOT) for a traffic safety resource prosecutor. [Since the grant is transferred to DOJ from DOT, DOJ receives the funding as program revenue.] Base funding for this appropriation is \$1,239,100.

[Act 55 Section: 747]

17. DELINQUENT OBLIGATION COLLECTION [LFB Paper 421]

Governor: Convert the legal services delinquent obligation collection PR appropriation from an annual appropriation to a continuing, all monies received, appropriation. Base funding for the current appropriation is \$7,000.

Under current law, DOJ must: (a) monitor cases filed in bankruptcy courts in Wisconsin and other states; (b) notify state agencies that may be affected by those bankruptcy cases; and (c) represent the interests of the state in bankruptcy cases and related adversary proceedings. All obligations collected by DOJ while performing its delinquent obligation collection duties are paid to the Department of Administration, and then deposited in the appropriate fund. The Department of Administration must credit an amount equal to the reasonable and necessary expenses incurred by DOJ in performing its duties related to delinquent obligation collection to DOJ's delinquent obligation collection appropriation.

Joint Finance/Legislature: Delete provision.

18. LAPSE REQUIREMENT

Governor/Legislature: Specify that the 2013 Act 145 requirement that the Department lapse \$2,040,300 to the general fund from the unencumbered balances of GPR and PR appropriations in 2015-16 would also apply to 2016-17. [See "Budget Management and Compensation Reserves."]

[Act 55 Section: 4749]

19. LAW ENFORCEMENT OFFICER INVOLVED DEATH INVESTIGATIONS [LFB Paper 422]

	Funding	Positions
PR	\$635,100	4.00

Joint Finance/Legislature: Provide \$305,300 in 2015-16, \$329,800 in 2016-17, and 4.0 positions annually to support workload related to officer-involved death investigations and investigations into non-fatal officer-involved incidents. The 4.0 positions would be 3.0 special agents and 1.0 program and policy analyst. Funding and position authority would be provided to the law enforcement services drug law enforcement, crime laboratories, and genetic evidence activities PR appropriation. Program revenue for the appropriation is generated from the crime laboratory and drug law enforcement surcharge and the DNA surcharge. The \$13 crime laboratory and drug law enforcement surcharge is assessed if a court imposes a sentence, places a person on probation, or imposes a forfeiture for most violations of state law or municipal or county ordinance. The DNA surcharge is imposed whenever a court imposes a sentence or places a person on probation, totaling \$250 for each felony conviction and \$200 for each misdemeanor conviction.

Modify statutory language to authorize the appropriation to support criminal investigative operations. Under current law, the appropriation is authorized to support activities relating to drug law enforcement, drug law violation prosecution assistance, and activities of the state's crime laboratories.

[Act 55 Section: 755]

20. INVESTIGATIVE REPORTS RELEASED TO THE PUBLIC RELATED TO OFFICER-INVOLVED DEATHS

Joint Finance/Legislature: Specify that before releasing the investigative report of an officer-involved death to the public, the investigators who conducted the investigation must delete any information from the report that is released to the public that would not be subject to disclosure pursuant to the balancing test under the state's open records laws.

Under current law, the state's open records laws generally provide that an individual has a right to inspect any public record, unless the legal custodian or the appropriate authority makes a specific demonstration that there is a need to restrict public access at the time that the request to inspect or copy is made (this is commonly known as the balancing test). In addition, current law provides that investigations into officer-involved deaths are required to be performed by at least two investigators, one of whom is the lead investigator and neither of whom is employed by a

law enforcement agency that employs a law enforcement officer involved in the officer-involved death. After completing their investigation, the investigators must, in an expeditious manner, provide a complete report to the district attorney of the county in which the officer-involved death occurred. If the district attorney determines there is no basis to prosecute the law enforcement officer, the independent investigators must release their report to the public. Currently, state statute does not specify that information included in the report released to the public is subject to the balancing test under Wisconsin's open records laws.

[Act 55 Section: 3523p]

21. MARQUETTE UNIVERSITY POLICE OFFICERS

Joint Finance/Legislature: Expand the definition of a law enforcement officer to include officers employed by the Marquette University Police Department. Under current law, a law enforcement officer is any individual employed by the state or any political subdivision of the state for the purposes of detecting and preventing crime and enforcing laws or ordinances, and who is authorized to make arrests for violations of the laws or ordinances that the person is employed to enforce. Since the Marquette University Police Department officers are not employed by the state or any political subdivision of the state, they are not included under the definition of a law enforcement officer under current law.

[Act 55 Section: 3512b]

22. LAFAYETTE COUNTY SHERIFF'S DEPARTMENT

	Jt. Finance/Leg. (Chg. to Base)	Veto (Chg. to Leg)	Net Change
PR	\$100,000	- \$100,000	\$0

Joint Finance/Legislature: Provide the Department of Justice \$50,000 annually in the 2015-17 biennium on a non-continuing basis to award a grant to Lafayette County Sheriff's Department for drug law enforcement and drug interdiction. Funding would be provided to the law enforcement services drug law enforcement, crime laboratories, and genetic evidence activities PR appropriation. Program revenue for this appropriation is generated from the crime laboratory and drug law enforcement surcharge and the DNA surcharge. The \$13 crime laboratory and drug law enforcement surcharge is assessed if a court imposes a sentence, places a person on probation, or imposes a forfeiture for most violations of state law or municipal or county ordinance. The DNA surcharge is imposed whenever a court imposes a sentence or places a person on probation, totaling \$250 for each felony conviction and \$200 for each misdemeanor conviction.

Veto by Governor [C-64]: Delete provision.

[Act 55 Vetoed Sections: 481 (as it relates to s. 20.455(2)(kd)) and 9126(1q)]

23. SEXUAL ASSAULT VICTIM SERVICES GRANT PROGRAM

GPR	\$100,000
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Joint Finance/Legislature: Provide \$100,000 in 2016-17 for grants under the sexual assault victim services grant program. Under this program, DOJ awards grants to nonprofit corporations or public agencies that provide (or subcontract to provide) all of the following services for sexual assault victims: (a) advocacy and counseling services; (b) 24-hour crisis telephone services; (c) educational programs on professional intervention and community prevention; and (d) services for persons living in rural areas, men, children, elderly, or physically disabled persons, minority groups, or other groups of victims that have special needs within the service area of the nonprofit corporation or public agency. Base funding for the grant programs is \$2,033,700 GPR annually. Funding for the grant program is also supported by program revenue generated from the child pornography surcharge. The child pornography surcharge is imposed on a person 18 years of age or older who is sentenced or placed on probation for sexual exploitation of a child or possession of child pornography. The surcharge totals \$500 for each original or copy of a pornographic image associated with the crime.

24. WISCONSIN COURT APPOINTED SPECIAL ADVOCATE ASSOCIATION

GPR	\$160,000
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Joint Finance/Legislature: Provide the Department of Justice \$80,000 annually in 2015-17 only for the purpose of awarding grants to the Wisconsin Court Appointed Special Advocate Association (Wi CASA). Further, create a GPR appropriation within DOJ to support grants for Wi CASA. The appropriation would sunset after the 2015-17 biennium. The Wisconsin CASA Association is a nonprofit organization based in Madison, Wisconsin that supports court appointed special advocacy for abused and neglected children.

[Act 55 Sections: 763q, 763qb, 3513g, 3513gb, and 9426(1q)]

25. SPECIAL PROSECUTOR POSITIONS FOR GUN VIOLENCE

Joint Finance/Legislature: Provide \$220,000 annually to the Joint Committee on Finance's supplemental GPR appropriation for the purpose of transferring funding to DOJ for 2.0 assistant attorneys general. The 2.0 AAG positions would serve as special prosecutors who would prosecute cases related to gun violence and other offenses involving the use of a firearm. The release of funding from the Committee's supplemental appropriation to DOJ would be contingent upon DOJ submitting a plan to the Committee, under s. 13.10 of the statutes, which would detail how DOJ would utilize the funding and the 2.0 AAG positions for gun violence prosecution.

Generally, district attorney offices are responsible for the prosecution of criminal offenses at the trial level. In certain circumstances, a court, on its own motion or at the request of the district attorney, may appoint a private attorney as a special prosecutor. However, before a court appoints a private attorney as a special prosecutor for an appointment that would exceed six hours per case, the court or district attorney must request assistance from either the Department

of Justice or a district attorney, deputy district attorney, or assistant district attorney in another prosecutorial unit. Assistant attorneys general in DOJ's Criminal Litigation Unit handle the agency's special prosecution appointments.

26. TREATMENT ALTERNATIVES AND DIVERSION GRANT PROGRAM

Joint Finance: Specify that DOJ may not find a county ineligible for a treatment alternatives and diversion (TAD) grant on the grounds that the county would utilize the grant to support a program that would provide alternatives to prosecution and incarceration for offenders of second offense operating a vehicle while intoxicated (OWI) statutes. Further, when determining the counties to award TAD grants, prohibit DOJ from considering whether or not a TAD program that would accept second offense OWI offenders would either: (a) best promote public safety, reduce prison and jail populations, reduce prosecution and incarceration costs, reduce recidivism, or improve the welfare of participants' families by meeting the needs of participants; or (b) provide services that would be consistent with evidence-based practices in substance abuse and mental health treatment.

Under current law, DOJ, in collaboration with the Department of Corrections and the Department of Health services, has discretion in awarding TAD grants. In order to be eligible for a TAD grant, a county's program must meet several eligibility requirements including, but not limited to, the following: (a) the county's program is designed to meet the needs of a person who abuses alcohol or other drugs and who may be or has been charged with or convicted of a crime in that county related to the individual's use or abuse of alcohol or other drugs; (b) the program is designed to promote public safety, reduce prison and jail populations, reduce prosecution and incarceration costs, reduce recidivism, and improve the welfare of participants' families by meeting the comprehensive needs of participants; (c) the county's program must provide services that are consistent with evidence-based practices in substance abuse and mental health treatment. In addition, the county must comply with eligibility requirements established by DOJ to promote a. and b. (above). This provision of the bill specifies that DOJ may not find a county ineligible for a TAD grant on the grounds that the county's program would accept 2nd offense OWI offenders. Further, this provision would prohibit DOJ, when determining the counties to award TAD grants, from considering whether or not a TAD program that accepts second offense OWI offenders would either: (a) best promote public safety, reduce prison and jail populations, reduce prosecution and incarceration costs, reduce recidivism, or improve the welfare of participants' families by meeting the needs of participants; or (b) provide services that would be consistent with evidence-based practices in substance abuse and mental health treatment.

Senate/Legislature: Delete provision.

27. 24/7 SOBRIETY PROGRAMS

Joint Finance/Legislature: Establish a pilot project for 24 hours per day, seven days per week (24/7) sobriety programs, ending June 30, 2021. Provide that all of the statutory modifications established as a result of the pilot project would sunset on June 30, 2021.

Allow the Department the Justice to authorize up to five counties to establish a 24/7 sobriety program to monitor 2nd offense and above operating a vehicle while intoxicated (OWI) offenders. Require DOJ to notify the Legislature of the counties that could establish a 24/7 sobriety program, as well as the reasons why those counties were chosen, by January 30, 2016. If, during the time period of the pilot project, a county that has been authorized by DOJ to establish a 24/7 sobriety program decides that it no longer wishes to operate its program, provide that the county could discontinue its program and DOJ could select a new county to establish a 24/7 sobriety program. If a county discontinues its 24/7 sobriety program, require DOJ to notify the Legislature of the following: (a) the county's decision to discontinue its 24/7 sobriety program; and (b) if the Department has authorized another county to establish a 24/7 sobriety program, the county that DOJ has authorized to establish a program.

Provide that a 24/7 sobriety program would accept the following participants: (a) 2nd offense or above OWI offenders who are ordered by a court or by the Department of Corrections, as a condition of probation or deferred prosecution, release to extended supervision, or release to parole, to participate in a 24/7 sobriety program and refrain from using alcohol or a controlled substance; and (b) 2nd offense or above OWI offenders who voluntarily agree to participate in a 24/7 sobriety program and refrain from using alcohol or a controlled substance while he or she is on probation, extended supervision, parole, or participating in a deferred prosecution agreement.

Provide that 24/7 sobriety program participants would be required to submit to frequent testing for the use of alcohol or a controlled substance. Provide that, under statute, frequent testing for the use of alcohol would be defined as twice daily testing, approximately 12 hours apart, and frequent testing for the use of a controlled substance would be as often as practicable. Authorize DOJ to promulgate rules that would establish an alternative standard which would constitute frequent testing for the use of alcohol or a controlled substance for the purposes of a 24/7 sobriety program. Provide that, if the standard for frequent testing for the use of alcohol or a controlled substance established under statute would create a situation of unreasonable hardship for the county administering the 24/7 sobriety program, the county may utilize the alternative standard for frequent testing established by DOJ by rule.

Provide that if a 24/7 sobriety program participant fails a scheduled drug or alcohol test due to either a failure to appear for a scheduled test or test results indicating that the participant used alcohol or a controlled substance, the participant may be placed under immediate arrest and referred to the Department of Corrections or the appropriate prosecuting agency for violating a condition of his or her probation, deferred prosecution, or release to parole or extended supervision.

Provide that the 24/7 sobriety program would require participants to pay a fee that is established by the county, which the county determines would be sufficient to defray the operating costs of the program. Provide that the county would be authorized to waive or reduce the fee, subject the participant's ability to pay. Authorize DOJ to promulgate rules that would establish a fee setting standard for counties with 24/7 sobriety programs. Provide that the fee imposed on program participants by counties with a 24/7 sobriety program must be in keeping with the fee setting standard establish by DOJ, if such a standard has been promulgated by DOJ by rule. Provide that the fee setting standard established by DOJ may include a component that

would allow the Department to recoup DOJ's costs of analyzing county data and preparing reports for the Legislature on the 24/7 sobriety programs.

Require counties that establish a 24/7 sobriety program to supply DOJ with information regarding the county's program, including: (a) the number of participants in the program; (b) the costs associated with the program; (c) the failure or dropout rate among participants; and (d) other information requested by DOJ. Authorize DOJ to promulgate rules that would establish the time and manner in which counties with 24/7 sobriety programs must report the information to DOJ.

Require DOJ to analyze the information provided by counties with a 24/7 sobriety program and, beginning January 15, 2017, annually report to the Legislature on its analysis. Require that the report include, at a minimum, the following information for the previous calendar year: (a) the counties that DOJ has authorized to establish a 24/7 sobriety program; (b) the number of participants in each county's 24/7 sobriety program; (c) a description of each county's 24/7 sobriety program; and (d) the recidivism rate of participants of each county's 24/7 sobriety program. In addition, require the Department to include in its final report a recommendation as to whether 24/7 sobriety programs should be continued, discontinued, or modified. [As indicated above, the 24/7 sobriety program pilot project would sunset on June 30, 2021. As a result, the last annual report submitted by DOJ on 24/7 sobriety programs would be submitted by January 15, 2021.]

Authorize DOJ to enter into an agreement with each county that establishes a 24/7 sobriety program, under which the Department may request that the county provides DOJ a portion of the fee revenue generated from the program to support DOJ's actual costs of performing analysis and preparing annual reports on 24/7 sobriety programs.

Create a new PR annual appropriation to support DOJ's costs of analyzing data and preparing annual reports on 24/7 sobriety programs. Program revenue for the appropriation would be generated from monies received from agreements between DOJ and counties with 24/7 sobriety programs. Further, appropriate \$0 annually to the appropriation during the 2015-17 biennium. As a result, DOJ would initially have to utilize base resources to support its reporting requirements related 24/7 sobriety programs. If the Department determines it would require additional resources to support its reporting requirements, DOJ could request that the Committee increase the Department's position or expenditure authority through a 14-day passive review process under s. 16.505/515 of the statutes.

Authorize DOJ to promulgate emergency rules without a finding of an emergency in all instances in which DOJ is granted general rule making authority relating to the 24/7 sobriety program. [As indicated above, DOJ would be authorized to promulgate rules regarding: (a) the frequency with which 24/7 sobriety program participants must be tested for the use of alcohol or controlled substances; (b) the fee imposed on 24/7 sobriety program participants by the counties; and (c) the time and manner in which counties with a 24/7 sobriety program must report information to DOJ.] Under current law, unless otherwise specified, an agency may promulgate a rule as an emergency rule without complying with the notice, hearing, and publication requirements of the general rule promulgating procedures if the agency establishes a finding of an emergency. A finding

of an emergency may be found if the preservation of the public peace, health, safety or welfare necessitates putting the rule into effect prior to the time it would take effect if the agency complied with the general rule promulgating procedures.

[Act 55 Sections: 748m and 3512v]

28. WISCONSIN INTEROPERABILITY SYSTEM FOR COMMUNICATIONS REPORT

Joint Finance/Legislature: Require the Interoperability Council to submit a report to the Joint Committee on Finance on the Wisconsin Interoperability System for Communications (WISCOM) by June 30, 2016. Provide that the required report must include the following:

- From inception of the program through 2015-16, the amount the state has expended to develop, construct, and operate WISCOM. In addition, the amounts that have been spent during this time period from GPR, PR, FED, and SEG sources and the revenue sources utilized to support the PR, FED, and SEG expenditures.
- The annual operating budget for WISCOM during 2015-16, specifically identifying costs relating to staff, infrastructure expansion, infrastructure maintenance, supplies and services, and other costs related to WISCOM.
- The local, state, and federal agencies that utilize WISCOM, as well as the frequency with which the agencies use the system. Further, a description of how each of these agencies utilizes WISCOM to support its agency's operations.
- An identification of the local, state, and federal agencies that utilize an alternative communications system for its emergency responders. Further, for each agency that utilizes an alternative communications system, an explanation as to why the agency utilizes an alternative communications system and a description of the benefits the alternative communications system provides to the agency.
- An identification of each local, state, and federal agency that is a daily user of the system. A daily user of the system would be defined as any local, state, or federal agency that utilizes WISCOM for its emergency response communications and that foregoes the use of a separate communications system for its emergency responders.
- An identification of each local, state, and federal agency that is not a daily user of WISCOM but may become a daily user in the future, as well as the date it is anticipated that these agencies will become daily users of WISCOM.
- An explanation of the current status of WISCOM's infrastructure and an indication of whether, and how, WISCOM's infrastructure may be expanded in the future.
- A statement of whether other Midwestern states have developed statewide interoperable systems for communications and whether WISCOM has been developed in a manner similar to those systems found in other states. If WISCOM has not been developed in a

similar manner to statewide interoperable systems for communications in other states, an explanation as to why WISCOM has been developed in a different manner.

- A statement of the successes WISCOM has had in providing effective communications among local, state, and federal public agencies.
- A statement of any challenges the system has faced in providing effective communications among local, state, and federal public agencies and how the challenges could be addressed.
- An explanation of the extent to which is WISCOM compatible with other emergency response communication networks utilized by local agencies and an indication of whether WISCOM's Very High Frequency (VHF) channels or sites have interfered with channels or sites utilized by local emergency responders. For each incident of interference, an indication as to why the incident occurred and what has or will be done to address the problem of interference.
- A statement of the number of sites, channels, and users WISCOM currently supports, the maximum number of sites, channels, and users the system could support, and whether there is a way to increase the maximum number of sites, channels, and users the system could support.

The Wisconsin Interoperability System for Communications is a shared radio system designed to allow local, state, and federal emergency responders across Wisconsin to communicate with each other during a disaster or large-scale incident.

The Interoperability Council oversees and makes recommendations regarding the state's interoperability. The Council consists of the following members: (a) 10 members appointed by the Governor to staggered, four-year terms, including a chief of police, a sheriff, a chief of a fire department, a director of emergency medical services, a local government elected official, a local emergency management director, a representative of a federally recognized American Indian tribe or band in Wisconsin, a hospital representative, a local health department representative, and one other person with relevant experience or expertise in interoperable communications; (b) the Wisconsin Attorney General; (c) the Wisconsin Adjutant General; (d) the Secretary of the Department of Natural Resources; (e) the Secretary of the Department of Transportation; and (f) a representative from the Department of Administration with knowledge of information technology. The identified state officials may all appoint designees to represent them on the Council. The Department of Justice is charged with the responsibility of providing staff support to the Interoperability Council as well as overseeing the development and oversight of WISCOM.

[Act 55 Section: 9101(7j)]

29. EXPUNGEMENT FROM DNA DATABANK

Senate/Legislature: Modify current law in order to allow an individual to request that his

or her DNA analysis data be expunged from the DNA databank on that grounds that "any," rather than "all," of the following conditions that apply to the person are satisfied:

- All convictions, findings, or adjudications for which the individual was required to submit a biological specimen have been reversed, set aside, or vacated;
- If the individual was required to provide a biological sample for being arrested or charged with a violent crime, then either: (a) all charges for which the person was required to provide the biological specimen have been dismissed; (b) the trial court adjudged the individual not guilty on all charges for which the person was required to provide a biological specimen; (c) at least one year has passed since the arrest and the individual has not been charged with a violent crime in connection with the arrest; or (d) the person was adjudged guilty of a violent crime, and all such convictions for a violent crime have been reversed, set aside, or vacated; or
- If the individual is a juvenile and the juvenile was required to submit a biological specimen because he or she was taken into custody or before a court for an offense which would be considered a violent crime if committed by an adult, then either: (a) all criminal complaints or delinquency petitions that allege the juvenile committed an offense that would be considered a violent crime if committed by an adult have been dismissed; (b) the juvenile was neither convicted nor adjudged delinquent by a trial court on all violations that would be considered a violent crime if committed by an adult; (c) at least one year has passed since the juvenile was taken into custody and no criminal complaint or delinquency petition has been filed alleging that the juvenile committed a violation, in connection with the juvenile being taken into custody, that would be a violent crime if committed by an adult; or (d) the juvenile was convicted or adjudged delinquent for a violation that would be a violent crime if committed by an adult in this state and that is in connection with the juvenile being taken into custody, and the conviction or delinquency adjudication has been reversed, set aside, or vacated.

Under current law, an individual may request that his or her DNA analysis data be expunged from the DNA databank on the grounds that all of the conditions enumerated above are satisfied. The state's DNA databank is generally utilized to store DNA profiles of convicted offenders and individuals arrested or taken into custody for committing a violent crime.

[Act 55 Section: 3511d]